

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

IN RE: THE COMPLAINT AND PETITION *
OF INLAND DREDGING COMPANY, LLC, *
AS OWNER AND OPERATOR OF THE * NO. 1:04-cv-219-P-D
M/V MS. PAULA, ITS ENGINES, TACKLES,
ETC., IN A CAUSE OF EXONERATION
FROM OR LIMITATION OF LIABILITY *

ORDER LIFTING STAY

THIS MATTER comes before the Court upon the Fifth Circuit Court of Appeal's October 27, 2006 decision on the Interlocutory Appeal filed by Claimant Ricardo Sanchez and the present Motion of the Claimant to Lift Stay [26-1]. After consideration of the Fifth Circuit's decision and the Claimant's present Motion, the Court finds as follows, to-wit:

The Fifth Circuit Court of Appeals vacated this Court’s July 19, 2004 Order approving the Ad Interim Stipulation for Value of the subject vessel insofar as the Order “restrain[ed] and enjoin[ed] all claims and proceedings against the M/V MS. PAULA and/or Inland Dredging Company, LLC, as owner and operator of the M/V MS. PAULA, in any Court whatsoever, except in this proceeding for limitation” The Fifth Circuit also vacated this Court’s August 9, 2005 Order denying Sanchez’s motion to lift that injunction to allow him to proceed in his separate action filed in the U.S. District Court of Galveston, Texas. The Mandate of the Fifth Circuit was issued on November 20, 2006.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Ricardo Sanchez' Motion to Lift Stay [26-1] is GRANTED; therefore,
- (2) The stay entered in this case is hereby lifted; and

(3) Claimant Ricardo Sanchez may proceed with his separate suit in the U.S. District Court in Galveston, Texas subject to his stipulation that any damage award recovered will be limited to the amount determined in the instant limitation action.

SO ORDERED this the 22nd day of March, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE

Submitted by:

/s/ Bill Striebeck
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Attorney for Claimant Ricardo Sanchez